

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD L. JOHNSON,

Defendant.

:

:

Case No. 3:12cr24

:

JUDGE WALTER HERBERT RICE

:

DECISION AND ENTRY SUSTAINING DEFENDANT'S MOTION FOR
EVALUATION TO DETERMINE COMPETENCY TO STAND TRIAL AND
SANITY AT THE TIME OF THE ALLEGED OFFENSE, PURSUANT TO 18
U.S.C. SECTION 4241 AND 4242; DR. MASSIMO DEMARCHIS
APPOINTED TO EVALUATE DEFENDANT AND FURNISH REPORT TO
THIS COURT; DIRECTIVE TO MONTGOMERY COUNTY JAIL
PERSONNEL

Defendant's counsel having stated, in his motion for a psychological evaluation to determine competency to stand trial and sanity at the time of the alleged offense (Doc. #16), that there is reasonable cause to believe that Defendant is currently suffering from a mental disease or defect which renders him unable to properly assist in his defense and, further, that he may have been suffering from such disease or defect at the time of his arrest in the captioned cause, this Court SUSTAINS said motion and appoints Dr. Massimo DeMarchis, Psy.D., to render a psychological evaluation to determine both competency to stand trial and sanity at

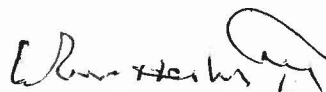
the time of the alleged offense, pursuant to 18 U.S.C. Section 4241 and 4242.

It is the request of this Court that Dr. DeMarchis not visit the Defendant until some seven days following receipt of this entry, in order to give counsel for the Defendant and for the Government the opportunity to furnish whatever information to Dr. DeMarchis they might deem relevant. Any information so furnished should be, likewise, furnished to opposing counsel.

It is the request of this Court that the personnel at the Montgomery County Jail allow Dr. Massimo DeMarchis full access to the Defendant for the purpose of conducting this evaluation.

After such time as Dr. DeMarchis has rendered his report, the Court and counsel will speak, by conference call telephone communication, to determine further procedures.

March 28, 2012



WALTER HERBERT RICE, JUDGE
UNITED STATES DISTRICT COURT

Copies to:

Brent G. Tabacchi, Esq.
F. Arthur Mullins, Esq.
Montgomery County Jail